THE HONOURABLE SRI JUSTICE V. ESWARAIAH

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WRIT PETITION No.4219 OF 2006

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Dated: 06-03-2006

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Between

Kranthi Harijana Girijana Private

Parisudhya Panivarala Sangam,

Guntur, Rep. by its Manager,

Ch. Harikrishna, S/o. Hanumantha

Rao, R/o. Guntur and others.

…PETITIONERS

AND

Municipal Corporation of Guntur,

Rep. by its Commissioner,

Guntur and another.

…RESPONDENTS

ORDER:

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Petitioners seek a Writ of Mandamus to declare the action of the first respondent in refusing to consider the tender filed by them in respect of the works mentioned in the Short Tender Notice issued by the first respondent in Roc.No.9573/GMC/ENGG/DBN/D2/2006-1 dated 23.01.2006 as illegal and arbitrary.

Learned counsel for the petitioners submits that all the petitioners are registered as societies under the provisions of Andhra Pradesh Societies Registration Act and formed by persons belonging to SC and ST communities having experience in sanitation work such as Badli Workers and they are registered strictly as per conditions laid down in G.O.Ms.No.581, M.A. dated 06.11.1996. The learned counsel further submits that the first respondent issued a Short Tender Notice dated 23.01.2006 calling upon tenders from the societies and DWACRA groups for doing sanitation works in various sanitation divisions of Guntur Municipal Corporation, which was published in the newspapers on 31.01.2006. Pursuant to the said notice the petitioners submitted tenders for the works mentioned in the notice along with required documents, DDs, Challans etc. but the first respondent refused to consider their tenders as there was an endorsement on the left hand side of the tender schedule that 'workers will get the implements for doing the sanitation work'.

Perusal of the tender notice goes to show that the societies shall provide all the implements for the sanitation works to the members of the petitioners – societies, but in the tender schedule on the left side a condition was imposed that workers shall get the implements.

Learned counsel for the petitioners further submits that the petitioners – societies never imposed any such condition that the workers will get the implements but the societies itself will provide all the sanitation implements to the workers, who will be doing the sanitation work pursuant to the tender.

Having regard to the facts and circumstances of the case and
as the learned counsel for the petitioners submits that the so-called condition that the workers will get their implements has been withdrawn and that the societies itself will provide the implements to the workers for the sanitation work pursuant to the award of the tender, the first respondent is directed to consider and dispose of the tender schedules of the petitioners.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 6, 2006

Note: Furnish C.C. of the order by 08.03.2006

(**B/o**)

DSK